UNITED STATES DISTRICT COURT
for the
Eastern District of North Carolina

FILED IN OPEN COURT *LD*
ON __/0//6/20 13__
Julie A. Richards, Clerk
US District Court
Eastern District of NC

United States of America

v.

Bobby Smith

Date of Original Judgment: April 6, 2010
Date of Previous Amended Judgment: N/A
(Use Date of Last Amended Judgment if Any)

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Case No: 5:09-CR-238-1BO

USM No: 51803-056

Thomas P. McNamara
Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☑ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:
☑DENIED. ☐GRANTED and the defendant's previously imposed sentence of imprisonment *(as reflected in the last judgment issued)* of _____ months **is reduced to** _____

The defendant was sentenced at the statutory minimum, and that minimum did not change as a result of the retroactive amendment.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated _____ shall remain in effect. **IT IS SO ORDERED.**

Order Date: *10-16-13*

~~~~~~~ W. ~~~~
Judge's signature

Effective Date: _____
(if different from order date)

Terrence W. Boyle, United States District Judge
Printed name and title

EDNC Rev. 11/8/2011